

COMMISSION CONFERENCE**SEPTEMBER 20, 2001****Agenda**
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Present: Mayor Naugle
Commissioners Hutchinson, Katz, Moore, and Smith

Also Present: City Manager, City Attorney, City Clerk, and Police Sergeant

I-A – Venice Homes Development (PZ Case No. 169-R-98)

A discussion about the Venice Homes development project was scheduled. The City Manager said this had been the subject of considerable discussion since it had been announced that the original plans had been modified for this site. He understood the majority of the Commissioners had received written inquiries, and concerns had been expressed by surrounding neighborhoods.

Ms. Cecelia Hollar, Construction Services Director, said that staff had met with representatives of the developer on August 2, 2001. They had indicated that there were some issues with respect to conditions associated with the original approval of the site, as well as traffic issues. One key issue that still remained involved utility connections for water and sewer services. She advised that no further permits would be issued for the development until that issue had been resolved. Ms. Hollar explained that a conclusion had not yet been reached that an easement could provide for the water and sewer connections.

Commissioner Smith asked if there had been any contact with the developer to come up with a strategy to obtain an easement. Ms. Hollar said there had been several meetings, and she understood the developer was trying to find alternative methods to provide easements either on or off site to connect to the City's utility system.

Mayor Naugle recalled some indication from the School Board that this would make the schools critically over crowded. Ms. Hollar stated that there had been some documentation indicating there would be some additional impact fees, but she was not aware of any other action. Commissioner Moore understood Rock Island Elementary School was being closed, and a new elementary school and a new middle school would be built at 23rd Avenue and 19th Street. He wondered if that had been taken into consideration. Ms. Hollar said she could not speak for School Board staff, but she hoped they would know what their planning issues were in terms of schools.

Commissioner Smith said that people in the area felt the process had broken down, and they had been taken advantage of because one type of project had been expected all along. He stated that the Commission had decided not to call up the project based on the information provided at the time, and the Planning & Zoning Board had approved it with major changes. Commissioner Smith thought there should be discussion about the approval process so that when a project was radically changed, it had to go back through that process.

Commissioner Smith understood that people who made more than \$27,000 per year, they would not be allowed to live in these units. He stated that County dollars would be used to assist the developer so people with lesser means would have housing opportunities, but it would preclude middle-income people from living there. Commissioner Smith thought Americans had learned that housing should not be built so the poor could be “stuck away somewhere.” He felt a better idea was to have units with mixed incomes so the poorest of citizens had other role models.

Commissioner Smith wanted to examine the process and the City’s ordinances to make sure this type of thing could not happen again, and then he wanted to find a way to encourage the developer to change the way this project would be managed. He did not want to exclude middle-income residents from living in these subsidized units, and there might be an opportunity to get this on the green space list for the County’s Parks Bond. He thought it appeared to meet the criteria, and there was money left over in that category. Commissioner Smith felt that if the developer was a willing seller, the property could be turned into a lovely passive park, perhaps with a canoe launching area.

Commissioner Moore was bothered by how this was being presented. He wondered if there was anyone present from the Broward County Housing Finance Authority. There was not, but Commissioner Moore did not believe there was any truth to the idea that people who made more than \$27,000 per year could not be residents of this development. Since no one was present from the Finance Authority, Commissioner Moore suggested that this discussion be deferred to another date because he did not want to proceed without the facts.

Commissioner Moore reiterated that a new elementary school and a new middle school were going to be built just a mile from this development on over 30 acres of land. He agreed that the development had changed from being owner-occupied to rental units, but it was still a residential project. Commissioner Smith believed it had also changed from high-rise condominiums to low-rise rentals. Mayor Naugle noted that there would also be parking all over. Commissioner Moore was also bothered by remarks indicating that he was making money from this project. He stated that there was no truth to that remark, and he was concerned about all the misinformation that was being disseminated.

Mr. Manny Garcia, Attorney representing the developer, said he had not handled the development processes that had taken place, but all of the City’s regulations had been followed as indicated in the back-up material distributed in connection with this item. He acknowledged that there had been changes in the development of the property, which had been mandated by external reasons. Mr. Garcia stated that the County had been aware of the change, and a notation had been placed on the plat.

Mr. Garcia stated that the school had been provided for, and he believed the requisite easements for water and sewer had been provided. In fact, he had delivered an agreement to the City dated September, 1973, for sewer service for this particular property, and there was an easement for the water. Further, the water pipes to serve the pool at the adjacent Tennis Club went through this property. He stated that there were water and sewer lines in place, and there were easements that allowed the development of this property. Mr. Garcia said the developer was prepared to move forward, obtain permits, and develop the project. He added that it had always been the intent to be a good neighbor to the adjacent properties.

Commissioner Smith asked if there was an income cap for residents. Mr. Garcia understood that there was a limitation based on 60% of median income. Mayor Naugle thought the figure mentioned earlier of \$27,000 varied depending upon the size of a household. Commissioner Smith thought there was something inherently wrong with telling some people they could not live in this development, which was why he was opposed to this. Mayor Naugle asked if all of the units were restricted. Mr. Garcia understood that 100% of the units were restricted to people with 60% of median income. He did not know what the dollar amount involved. Commissioner Smith felt this was a flawed concept that dated back to Cabrini Green in Chicago.

Commissioner Moore felt the Cabrini Green situation was totally different from this concept. He stated that this method of financing was being used to provide affordable housing. He thought the number everyone needed to understand was 60% of the median income. He said that was why he thought it was important to have someone from the Housing Finance Authority present to explain. He believed it involved a sliding scale.

Commissioner Moore pointed out that Regal Trace had been financed in the same fashion, and it had been a \$32 million development. It had swimming pools, tennis courts, basketball courts, and even a day care center. It also had 24-hour security, and anyone would want to live there. Nevertheless, the units were affordable.

Dr. Jerry Bellenger, representing the Tennis Club, said that he had pointed out in July that this developer had been assuming approval granted to a previous developer in 1999. He felt that many aspects of the agreement had been flawed and inadequate, and there had been conditions attached. He said this developer was denying responsibility to meet the criteria adopted by the DRC. In fact, he had been told that the developer was “backing away from those agreements.”

Dr. Bellenger said that the DRC had requested that the previous developer submit to public discussions of the project and meet with the neighborhood civic associations, but that had never been done. The DRC had also requested the previous developer to conduct a traffic study and make changes, including a stop sign at 19th Street and pavers along 19th Street. These things had not been done or even planned. He understood the approval granted to the previous developer had been based upon these things.

At 2:37 p.m., Commissioner Moore left the meeting. He returned at 2:38 p.m.

Dr. Bellenger stated that there had been 3 separate requests by the DRC to the previous developer to indicate utility easements for water and sewage, but they had never been submitted accurately. He also said that the previous developer had submitted plans showing easements over property it could not use and was a flaw in the application. Dr. Bellenger felt a stop work order should have been issued on that basis alone. In addition, the DRC had required an environmental mitigation license of the previous developer, but no one had acted on that issue yet. Dr. Bellenger said there were many more defects. He had also been informed that this property would be recommended for the green space category of the County's Park Bond. It was also his understanding that the County would want the City to assume responsibility for management, and the average price for landlocked property now was \$250,000 per acre. Since this was waterfront property, he believed this developer could walk away without losing any money on the investment in the property.

Mr. Jay Herring, President of the South Middle River Civic Association, said the Association had first been approached about this project in July. He pointed out that the neighborhood had been fighting crime and had been making a difference in the community. Mr. Herring said that in the past year, membership had grown from 25 to 250, and over 350 trees had been planted. In addition, the Association had recently been awarded a grant for landscaping of street closures, so this was an active and involved community. He stated that when luxury townhomes and condominiums had originally been proposed, the neighborhood had been ecstatic. Mr. Herring did not understand a system that would allow a project of that quality to be approved and then be changed to a mid-rise, low-income project without any public hearing. He felt there was something drastically wrong with that, and that was what the neighborhood was most angry about – that it did not have a voice.

Mayor Naugle asked if site plan approval by the City Commission would have been required before the Unified Land Development Regulations (ULDR) were adopted. Ms. Hollar stated that the modified plan had gone back to the Planning & Zoning Board for approval, and the 30-day call-up provision was the same now as it had been prior to adoption of the ULDR. Mayor Naugle believed that because the property was on the waterway, it would have gone to the Commission under the old Code. Ms. Hollar clarified that it would have been subject to the 30-day call-up provision.

Mr. Greg Brewton, Zoning Administrator, stated that the previous Code did not have the call-up provision specifically. He believed the policy at the time had been that decisions of the Planning & Zoning Board could be appealed to the City Commission. Mayor Naugle asked when the call-up had been offered to the Commission in this case. Ms. Hollar replied that the 30-day period would have dated from the November 17, 1999 Planning & Zoning Board meeting at which the modified plan had been approved. Mayor Naugle asked if any letters of objection to the proposal had been received at that time. Ms. Hollar was not aware of any. Mayor Naugle asked staff to provide him with a copy of the notice that had gone out to the Commission after that Planning & Zoning Board meeting.

Commissioner Smith pointed out that he always supported Commissioner Moore when he tried to get projects before the Commission to include affordable housing units. He supported that concept. He felt the City should be integrated, not only as to race and color, but also as to economic status. Commissioner Smith wanted his support in this matter, but he did not want the County to require that only people of lesser means could live in this development. He acknowledged Commissioner Moore's belief that this building program probably did not have that goal, but he did not know for sure. He explained that he wanted the developer to make a presentation, including all of the site plan details. Commissioner Moore supported the idea. He asked if the developer would be willing to make a presentation about the project. At the same time, he desired information from the Finance Authority.

Mr. Garcia said he would contact the developer and ask if a presentation could be scheduled, but he believed the developer had a legal and appropriate right to move forward with the project. Commissioner Moore asked if the City had any other method of calling up this project for review. The City Attorney replied that could only be done at this point with the cooperation of the developer.

Commissioner Hutchinson thought the developer probably did have the legal right to proceed, but she believed the work would be much easier with the support of the neighborhood and Civic Association. She was concerned about the fact that the process called for no additional review when a project went from a condominium project to a rental project. Commissioner Hutchinson said she would like to see this project go forward and encouraged the developer to be a good neighbor and make a presentation to the Commission.

Mayor Naugle asked Commissioner Smith if he would like to consider a resolution this evening to take the position that this would be a good site for purchase by the County under its Parks Bond. Commissioner Smith was supportive of the idea. Hearing no objection, Mayor Naugle announced that such a resolution would be presented at the Regular Meeting.

Mayor Naugle requested a report with regard to the utilities issues. He knew permits could not be issued without proper utilities, so if those things were not available or if there had been any misrepresentations, he hoped a stop work order would be issued until proper utilities had been provided. The City Manager believed a report could be provided early next week.

Mayor Naugle hated it when a developer indicated a project would be owner-occupied and then switched to a rental project later on. He pointed out that the home ownership rate in Fort Lauderdale was only 55% as compared to 69% in Broward County. He wanted Planning staff to examine different development strategies to encourage ownership through incentives or requirements. Mayor Naugle also said that he was going to take note of which law firms worked on this project, which was an example of "bait and switch" tactics and planned to scrutinize their projects more closely in the future.

Commissioner Katz believed this was the second or third time this sort of thing had happened. She wondered if there was some way to change the process to include a mechanism for review when projects were altered midstream to avoid this type of situation in the future. Mayor Naugle requested a report from staff in this regard within 30 to 60 days.

Commissioner Moore noted that the Director of the Broward County Housing Finance Authority was now present. He desired information about the 60% median price range in Broward County along with the reasons for the tax credit program that allowed affordable housing. He also asked Mr. Garcia if he could call his client now about providing a presentation. Mr. Garcia explained that the developer was out of town, but he would try to reach him.

Mr. Lennard Robinson, Executive Director of the Broward County Housing Finance Authority, explained that the financing had been set up by the federal government for taxes and bond financing along with tax credits. He stated that the reason for a limitation on income was based on financing technique used by the developer, which was a technique used by most developers in Broward County at this time. Mr. Robinson explained that Broward County's land cost was probably one of the highest in the State of Florida. Therefore, the Department of Housing & Urban Development (HUD) had decided that Broward County was not difficult to develop. As a result, the cost of construction and land costs were high, so developers were using the taxes and bond financing along with tax credits.

Mr. Robinson explained that tax credits had been about the only way to handle projects in Broward County except for luxury apartments. He said his office existed to provide affordable housing based on State Statutes. He stated that the intent was to ensure a proportional amount of affordable housing throughout the State, so it was not exclusionary, but there were guidelines involved.

Mr. Robinson stated that the maximum income on tax credit transactions or units was 60% of median based on family size. For example, a family of 1 had a maximum of \$23,808; a family of 2 had a maximum of \$27,300; a family of 3 had a maximum of \$30,720, a family of 4 had a maximum of \$34,140; a family of 5 had a maximum of \$36,900; a family of 6 had a maximum of \$39,600; and, a family of 8 had a maximum of \$45,000. Mayor Naugle asked if there were any limits on the number of people allowed to occupy a unit based on bedrooms. Mr. Robinson replied that there were restrictions, including restrictions based on the gender of the children. For example, 2 children could share a bedroom, but only if they were of the same gender.

Commissioner Smith asked Mr. Robinson if he thought the neediest citizens should be “corralled” together in some part of the City and exclude people of greater needs. Mr. Robinson did not feel that was a good approach, but it was the only way to get the units under federal and State law for the financing. Commissioner Smith understood he felt the concept was flawed, but it was the only option. Mr. Robinson agreed it was the only option at this point in time, and Broward County lacked affordable housing units.

Commissioner Smith noted that Mayor Naugle had requested a report about the utilities issues. He believed a determination had been made that there was not access for water, so permits could not be issued until some other way to bring water to the site had been identified. The City Manager agreed that was correct. He stated that permits could not be issued if a project did not meet the requisite requirements.

Mr. Garcia reported that he had tried to reach the developer by telephone, but he had been in a meeting.

Action: As discussed.

At 3:05 p.m., the meeting was recessed. It was reconvened at 3:12 p.m.

**I-C - Florida Atlantic University (FAU) School of Architecture –
“Project Public Places” New River Cultural and Government Park**

A presentation was scheduled on FAU’s School of Architecture and Joint Center’s “Project Public Places,” New River Cultural and Government Park, as requested by Commissioner Katz. The City Manager introduced *Dr. Peter Magyar*, who provided a slide presentation. The City Manager felt it addressed the whole issue of government buildings, open space, and public space. Dr. Magyar explained this was a vision of what could be done in the City over the next 10 years with respect to City Hall, the Police station, and the Courthouse. He noted that this was an urban design project, so the scale was different from the norm that typically involved regional areas.

Dr. Magyar stated that existing public buildings, waterways, and green areas were assumed. He advised that other cities had been examined during the course of the project. He noted that 48 students were working on the building side of City Hall, so he hoped to have another presentation for the Commission in the near future. Instead of a physical model, a computer model had been prepared. Mayor Naugle understood this type of model could provide perspective from any angle, and it could simulate shadow as well based on the sun’s position at different times of the year.

The Commission expressed appreciation for an informative presentation, and the students were acknowledged with an ovation. Mayor Naugle said that some of these ideas would be brought forward as the City's needs in terms of a municipal complex were developed. He was hopeful that a means of incorporating affordable housing with market rate housing could be examined one day.

Action: None.

I-B – Charter Revision Board

A discussion on the Charter Revision Board's recommendations pertaining to campaign finance reform was scheduled. The City Manager noted that a memorandum had been distributed that set forth the matters considered by the Board during its last few meetings. He introduced *Mr. Rod Kemp*, Chairman of the Charter Revision Board.

Mr. Kemp explained that campaign finance reform had been brought to the Board's attention and, after several meetings, the Board had voted 4 to 1 to recommend that contributions to campaigns by individuals be limited to \$250 per election, and that contributions from all other sources be prohibited. The Board had also discussed use of public funding as part of a program in which the City would match campaign funds raised by a candidate. However, the Board had voted 4 to 1 to recommend that no public funding be used as part of a campaign finance program.

Mayor Naugle recognized the other members of the Board who were present.

Commissioner Smith was glad the Board had brought this recommendation forward. He thought it was an excellent suggestion, although he had hoped to go even further. He thought a more modest limit than \$250 would be more appropriate because that began to equalize how political campaigns were funded. It also took the burden off the more wealthy people who had historically funded campaigns, and he felt the amount of money raised had reached unrealistic proportions over the past few years. He believed doing this would result in better candidates and better government without the appearance of undue influence, and people would have more faith and trust in government. Commissioner Smith felt the limit should be reduced to \$100.

Commissioner Katz thought there were a few things that did not line up between the Board's meeting minutes and the memorandum sent by the City Attorney. She preferred to postpone further discussion because she wanted to talk with the City Attorney in this regard. The City Attorney stated that the meeting minutes approved by the Board were totally consistent with the summary memorandum, although there had been a misunderstanding with the drafted minutes. He believed the recommendation of the Board was accurately and completely set forth in the memorandum.

Mayor Naugle believed the misunderstanding related to individuals, corporations, and political action committees, but it had clearly been the Board's intent to prohibit everything except individual contributions. Commissioner Katz thought there was a question about whether or not corporations, etc., could be considered as individual contributions. She did not feel that had ever been completely explained. Commissioner Katz wanted to spend a little more time on this. Mayor Naugle noted that all the Commission could do today in this regard was request the City Attorney to draft an ordinance.

Commissioner Moore felt that if someone was very sincere about limiting campaign contributions, they could do so without this ordinance. He recalled when Mayor Naugle had run his campaign with a \$25 maximum on contributions. He had chosen to do that because he was concerned about the appearance of undue influence if greater amounts were accepted, and everyone had the same opportunity.

Commissioner Moore was concerned about the idea that a corporation should not contribute to campaigns. He also noted that an individual was the Constitutional definition of a corporation, although he had no objection to limiting contributions to \$250, but he felt much of this was more “fanfare than reality.” Commissioner Moore did not object to drafting an ordinance, but he felt corporations should be considered entities.

Mr. Mike Lockwood, Charter Revision Board member, stated that corporations and political action committees would still be able to make contributions as private individuals. Commissioner Moore pointed out that corporations were taxed individually and should be able to contribute accordingly. Mayor Naugle pointed out that non-Americans also paid property taxes, but could not vote. *Mr. Michael Ferber* understood that a drafted ordinance would be the subject of 2 public hearings.

Mayor Naugle said he would not object to a lower contribution limit, and he asked if it could be lowered from \$250 if that amount was advertised in connection with the public hearings. The City Attorney replied it could be lowered. He suggested that the ordinance be advertised as limiting contributions to less than \$500 rather than specifying a dollar amount at this time. The City Attorney stated that due to the significance of this issue, he would like to take the drafted ordinance back to the Charter Revision Board before it was advertised for public hearing. Although that was not required, he felt it would be appropriate in this case.

Commissioner Smith inquired about the challenge in the Sarasota case. The City Attorney stated that there had been a challenge of a \$200 limit in Sarasota, which had been upheld by a Circuit Court judge, although the matter had not reached the appellate courts. Therefore, it was a little thin in terms of precedential value than a decision by the District Court of Appeals or the Florida Supreme Court. The City Attorney explained that the Attorney General was not saying it was a violation at this time, and the limit did not appear to be inconsistent with Florida law.

Mayor Naugle was not sure that \$250 was the right figure. He stated that if the amount was set too low, candidates could manage to find a way around it, perhaps by doing mailings at taxpayers' expense, use staff members to stage events, or take lucrative contracts from developers. Commissioner Smith felt the idea should be to raise enough money to mount a reasonable campaign, but people were raising \$100,000 or \$150,000 for miniscule campaigns. Commissioner Moore thought that if a level playing field was truly the point of this discussion, the City should just provide each candidate with a set amount for his or her campaign and prohibit contributions from anyone. Commissioner Smith said that had been the original proposal, but that could not be done. Mayor Naugle felt people were generally opposed to “welfare for politicians.”

The City Attorney believed some sort of voluntary program could be established in which candidates could buy into certain rules of conduct, although the Board had not supported that idea. Commissioner Moore asked if the Board had considered an overall maximum for a candidate's campaign. Commissioner Smith believed so, and the City Attorney had advised that was not possible. The City Attorney stated that the Supreme Court had decided that a

maximum expenditure could not be imposed. Commissioner Smith felt this proposal was the second best thing.

Action: Ordinance to be drafted as recommended by the Board.

I-D – Fort Lauderdale Historical Society Annual Report

A presentation was scheduled by the Fort Lauderdale Historical Society (FLHS) on its progress for fund raising and implementation of the 1998-2003 five-year performance plan. Discussion was also scheduled on a request for a lease extension of City-owned properties along Southwest 2nd Avenue. Mayor Naugle congratulated the Historical Society on its fund-raising efforts. He believed there was consensus to approve the requested lease extension.

Commissioner Katz understood the lease request involved extending the term 20 more years for a total term of 50 years. She wondered if it was possible to tie it in with the Historical Society bringing some sort of activity to the River, whether by lighting the building or making it part of a “happening” on the weekends, perhaps through a tie in with the Jazz Brunch.

Ms. Joan Mikus, of the Historical Society, displayed some drawings that had been prepared, and she pointed out that the signs would be illuminated. In addition, the Fusion Art Show was scheduled for November 9, 2001, and “City Link” would be the primary sponsor. She stated that the Historical Society was working with the Jazz Brunch and invited the Commission to come down on October 7, 2001, when an antique car show would be held in conjunction with the Jazz Brunch. Further, all the houses would be open for tours. Ms. Mikus stated that T-shirts would be sold, and a new tour had recently been started in cooperation with the Stranahan House and the River Taxis aimed at 8th grade students.

Commissioner Katz was pleased to hear all these things, but she wanted to tie those things in with the contract to ensure that all these efforts would be continued. The City Attorney advised that could be done. Commissioner Smith thought fund-raising goals were tied in with the contract. Commissioner Moore wondered if money or the pledge of money were sufficient. Mr. Chuck Adams, Department of Community and Economic Development, advised cash and in-kind services were the benchmarks of the fund-raising goals.

Dr. Hoke, a major donor to the Historical Society, presented a check for \$50,000, and this lease was essential. He advised that there were a lot of people who would help fund the Historical Society as long as they knew it would remain, and the public relations campaign was moving forward. Ms. Mikus added that Dr. Hoke had provided an initial gift of \$250,000, and now he had donated another \$100,000 with this check.

Commissioner Smith wondered if there would be a problem if additional requirements and performance standards were included in the lease, such as requiring active buildings. Commissioner Hutchinson believed the buildings were rented out for private parties. Ms. Mikus stated that the buildings were being used for weddings now, and the first one was scheduled for November 4, 2001. In addition, people were invited to use the facilities for holiday parties and family gatherings. She explained that the Historical Society had a goal of providing rotating art exhibits on a regular basis to bring people in and, once the site was complete, reenactments on the street and special events were desired. Ms. Mikus added that the buildings would be decorated for the holidays this year as well.

At 3:57 P.M., Commissioner Moore left the meeting.

Mr. Bill Crawford, President of the Historic Society, stated that there had been a roof leak in the archives building, and a letter had been sent out to 80 specific members of the Society. As a result, \$12,000 in cash had been raised over the last 30 days from 50 responses. He felt that had been very encouraging.

At 3:58 P.M., Commissioner Moore returned to the meeting.

Mr. John Gavino, Vice-President of EDSA, presented the sign and lighting plan. He stated that his firm was honored to help the Historical Society through its donation of time and design capabilities. He explained that a monument program had been developed to define the Historic District at key points and along the River from the waterside. In addition, historic markers from the State were being sought to identify the buildings.

Mayor Naugle asked if the Historical Society would commit to 12 events per year. Commissioner Katz thought 6 events might be sufficient. Ms. Mikus preferred to focus on getting the street done first. She stated that as many events as possible were being held now. Commissioner Smith noted that other groups could also be encouraged to hold events on the property. Commissioner Hutchinson thought the property had to be brought up to a certain standard before the next step could be taken. Commissioner Smith asked if fees were charged to non-profit groups that wanted to use the facility. Ms. Mikus replied that the Historical Society worked with all such groups, and no fees were charged. Commissioner Katz suggested something general be included in the agreement, such as "encourage further activities at night on the weekends."

Mr. Austin Carl, Facilities Manager, reported that there was a large educational program in conjunction with Broward County Schools. Commissioner Moore believed the concern was that the buildings were dark after 6 p.m. Mr. Carl understood that and stated that the Historical Society was currently involved with improving the site so the public could enjoy it, with the tie in to Riverwalk, and with future tie-ins with surrounding neighborhoods. Commissioner Smith thought "funky" entertainment evenings, like those in Key West, might be nice, with street performers. Commissioner Moore agreed such things like Junior Achievement students selling trinkets, for example, so it would not look like a barren area that closed at 5 p.m. every day. Ms. Mikus stated that the Historical Society wanted to do all these things, but entertainment and advertising cost money.

Mr. Crawford asked the Commission to consider Mr. Adams' memorandum with respect to providing a new 50-year lease starting now. Mr. Adams explained that one option was to grant another 30 years on the existing lease, and another option was to provide a new 50-year lease. It was the consensus of the Commission to provide a new 50-year lease with some sort of commitment for activity. Mayor Naugle noted that formal action on the lease would take place at an upcoming meeting. Mr. Adams added that the Historical Society could also provide another 5-year plan at that time, which would include details about activities.

Ms. Mikus acknowledged that there was not yet a completed destination yet because the street had to be finished first, and that's where all the efforts were being concentrated. Commissioner Katz was concerned about "dead space" as one walked along Riverwalk from the Performing Arts Center. Ms. Mikus hoped this work would be done within 3 years, but the buildings would be lit so it would not be dark. Commissioner Smith suggested that Ms. Mikus speak with Dick Winer about his historic railroad cars. Commissioner Katz hoped some activity could be provided, such as serving coffee or having banjo players, before the road was finished.

Action: New 50-year lease approved as discussed.

I-E – Additional Land for Burial Spaces – Municipal Cemeteries

A presentation was scheduled on a proposal considered by the Cemeteries Board of Trustees to obtain additional land to be used for burial spaces near the existing three municipal cemeteries. *Mr. Ned Skiff*, Chairman of the Cemeteries Board of Trustees, explained that the Board had recently learned that inventory would be exhausted at the City's cemeteries in the next 10 to 15 years. The question now was whether or not the City wanted to continue to offer its residents burial space beyond the existing inventory. If the City wanted to continue to offer this service, it would require the acquisition of land and preparation of the space.

Mayor Naugle thought it would be a good idea to expand facilities using revenue received through the cemetery operation. He did not think anyone would object to such a plan. Commissioner Smith asked where those revenues currently went, and Commissioner Moore understood the monies went into the perpetual care fund.

Commissioner Hutchinson asked if the Board was talking about acquiring land adjacent to the existing facilities or elsewhere in the City. Mr. Skiff thought either way would be fine, although there was some land adjacent to Sunset Memorial Park. He did not know if it was available or if it was available for a reasonable price as it could be "tricky" for government to acquire land at reasonable cost.

Commissioner Katz thought the City should get out of the cemetery business. She felt the existing facilities should be maintained, but she did not think the City should go out and buy more land for this purpose. Mayor Naugle agreed this was something the private sector could provide, but he would not object to expanding the operation if it could be done with revenues derived from the cemetery operation. Commissioner Smith inquired about the current operation contract. Mr. Skiff advised it ran through 2003. Commissioner Smith noted something totally different could be considered at that point as well.

The City Manager thought it would be necessary to make some determination in this regard before the current agreement terminated in 2003. He noted that the decision would have an impact on the revenue currently going into the General Fund. Commissioner Smith wondered how much that involved, and the Recreation Director advised it was about \$500,000 per year.

Mayor Naugle was open to the idea of acquiring more land as long as it did not disrupt the revenue stream to the General Fund, although he understood Commissioner Katz was uninterested in expanding the operation. Commissioner Moore was glad that there was still time to consider these issues. Commissioner Smith wanted to see what lands might be available. Commissioner Moore had no objection to considering a change of use in terms of using the existing space, such as mausoleum use to provide additional space.

Mr. Michael Kasten, Council of Fort Lauderdale Civic Associations, asked if the Board had considered selling the land altogether and privatizing the entire operation. Mr. Skiff said that the idea had been explored several years ago when the operation had been revamped several years ago. He stated that there had been a negative response from the community to the idea. Mayor Naugle agreed the City had not felt comfortable selling the land at that time, but they had privatized the operation itself. He felt all the opportunities should be explored.

Commissioner Hutchinson wondered what draw there would be for a private operator once the inventory was exhausted. Mayor Naugle believed interest earnings from the trust would provide for maintenance. Commissioner Hutchinson understood that, but there would be no incentive for a private operator to simply maintain the City's facilities, and she was concerned that the City would have to take over the maintenance again. Commissioner Smith thought other things could be done, such as mausoleums, but the 3 facilities would eventually be filled. Mayor Naugle noted that there were also a lot of resales.

Action: Subject to be explored further.

I-F – Project 10279 – Northwest 22nd Road Landscape Beautification Project

A presentation was scheduled on the plans for the Northwest 22nd Road landscape beautification project. Commissioner Moore congratulated staff on a job well done and stated that there was a lot of enthusiasm for this project.

Action: Approved.

I-G – Community Development Block Grant (CDBG) Reimbursement Funds

A discussion was scheduled on the General Capital Projects Funds in the amount of \$504,308 used to reimburse the CDBG Program Fund for the purchase of the Jamaican Domino Club. Commissioner Katz pointed out that funds were limited, so she suggested that Northwest 22nd Road and Davie Boulevard be the top priorities. Commissioner Smith pointed out that there were not dollar figures attached to the projects. Ms. Faye Outlaw, Deputy Director of Community and Economic Development, explained that at the time she had spoken with Commissioner Hutchinson about inclusion of the Davie Boulevard project, she had not known if it was eligible so she could not assign a dollar amount.

Ms. Outlaw said that since the memorandum had been written, she had looked at the area, and a portion was clearly eligible. The remainder of the Boulevard did not fall within an eligible census tract, so she would have to conference with the Department of Housing and Urban Development (HUD) to determine how to handle split eligibility on Davie Boulevard. Commissioner Hutchinson was interested in Davie Boulevard from 27th to 31st Avenues.

Commissioner Moore thought that whatever amount was being considered for the Broward County Partnership for the Homeless was wrong because the City had already given up a penny of the gas tax for that purpose. Commissioner Smith did not believe that was on the list, although he agreed with Commissioner Moore. He thought the money would all be used, however, on the five listed projects.

Commissioner Katz said she had planned to suggest some money for Flagler Heights. Mayor Naugle felt the money for Flagler Heights should come from the CRA. Ms. Outlaw said that design costs were considered administration, and that cap had already been reached. Commissioner Smith agreed Davie Boulevard should be included, and he thought it would cost \$100,000 to provide medians for 4 blocks based on his experience with 13th Street. He pointed out that there had been no improvements made on 13th Street since it had been widened in 1970 until this past year, but only half the money had been allocated. Even though half that project had not been completed, Commissioner Moore had felt Northwest 19th Street was more important, and Commissioner Smith had concurred. Now, he felt it was time to finish the 13th Street project.

Mayor Naugle asked how many of the five listed projects could be accomplished with the available monies. Ms. Outlaw wanted the Commission to consider the \$50,000 request for administrative costs; and, \$150,000 for the Lauderdale Manors Recreation Facility expansion on the with the authority to reprogram infrastructure money for the Recreation Center now so new infrastructure would not be torn up during other area projects, with future funds applied to the infrastructure project. Commissioner Moore supported that idea. Ms. Outlaw also suggested that the \$300,000 could be split between 13th Street and Davie Boulevard, although she recommended that the full amount be dedicated to 13th Street as that project was ready to go.

Ms. Outlaw stated that Davie Boulevard could be put in line as a priority for the next funding cycle. Commissioner Smith supported the idea as the designs and everything else was ready for 13th Street, while the Davie Boulevard project had to be designed and taken through the community input process to decide what everyone wanted. Ms. Outlaw said it could be included in the 2002/03 budget. Commissioner Moore thought that if the Davie Boulevard project waited a year, it could perhaps be pushed back to include a few more blocks. Commissioner Hutchinson did not know if the additional area would be eligible, and Commissioner Moore thought the project could extend to 24th Avenue.

Commissioner Smith introduced *Russ*, who owned "Call of Africa." He stated that 2 monument sculptures were going to be provided at no cost to the City. Mayor Naugle noted that there were a lot of people present from 13th Street.

Commissioner Moore reiterated that he did not feel any monies should be contributed to the Broward Partnership for the Homeless. He wanted those monies redirected. Commissioner Katz hoped the Commission would remember her support today when 18th Avenue came up. Ms. Outlaw said she would bring this back to the Commission.

Action: As discussed.

I-H – Voting Delegates – National Leagues of Cities Annual Congress of Cities

The City Commission was scheduled to designate a voting delegate and up to two alternate voting delegates for the National League of Cities Annual Congress of Cities to be held December 4 to 8, 2001 in Atlanta, Georgia. Commissioner Moore suggested that Mayor Naugle be designated as the voting delegate since he was a Board Member and running for the position of Second Vice-President. It was agreed, and Commissioner Moore agreed to serve as an alternate delegate.

Action: Mayor Naugle designated voting delegate, and Commissioner Moore designated alternate.

I-I – Shark Feeding

A discussion was scheduled on the State regulations pertaining to shark feeding, as requested by Commissioner Smith. Mayor Naugle thought the City should have its lobbyist seek legislation and lobby officials in this regard. Commissioner Smith suggested a resolution indicating that the City was in full support of the State banning the practice. Mayor Naugle wondered if there could be a rule against renting municipal dock space to vessels that engaged in the practice. Commissioner Smith suggested that occupational license also not be issued to companies that fed sharks.

The City Attorney stated that he would explore all the options suggested, but the State was empowered to make rules in this regard, and the issue was under consideration now. Mayor Naugle agreed a resolution of support would be in order because the issue would be debated at the State level. He understood the City did not have the jurisdiction to adopt an ordinance prohibiting shark feeding, but he thought there could be a parks rule against renting docks under certain circumstances. The City Attorney said he would check and could present a resolution this evening in support of a State ban.

Commissioner Smith introduced *Ms. Charlotte Honea*, who had brought this issue to his attention as a member of the Parks, Recreation & Beaches Advisory Board. She was very happy, as a concerned citizen and a Board member, that the Commission intended to adopt a resolution supporting a State ban. She advised that his practice was currently ongoing in Pompano Beach, and she felt it was dangerous. In fact, experts had indicated that the practice made sharks associate humans with food. Ms. Honea felt that turning them loose on an unsuspecting public afterwards was just foolish.

Mr. Bob Diamond, President of the Marine Safety Group, reported that the State had already held hearings in this regard for two years, and six public hearings had been held, including one in the Fort Lauderdale area. He advised that the State had decided to draft a rule banning the feeding of marine wildlife in all State waters, and he felt a resolution of support from the City Commission would be very helpful.

Action: Resolution of support for a State ban on feeding marine wildlife to be presented.

I-K – Public Transit Ad-Hoc Committee (Transit Greenways)

A discussion was scheduled on the status of the Public Transit Ad Hoc Committee created for the purpose of reviewing the transit greenways concept currently being developed by the Downtown Development Authority. Commissioner Hutchinson wished to add Sam Poole, and Mayor Naugle added Romney Rogers. Commissioner Smith understood Mayor Naugle had also appointed Cary Keno.

Action: Ad Hoc Committee members approved as recommended and as discussed.

I-J – Transit-Oriented Concurrency System for Broward County

A discussion was scheduled on the Executive Summary on the Broward County Transit-Oriented Concurrency System. The City Manager introduced *Mr. Elliot Auerhahn*, of Broward County. Mr. Auerhahn stated that the County Commission had directed its staff to pursue a concept that had taken six years to implement. He explained that the intent had been to modify the County's transportation concurrency system to direct the system toward transit improvements rather than a continued reliance on roadway improvements.

Mr. Auerhahn reported that the County Commission had directed a high level of involvement from municipalities in implementing the new transit concurrency system. He requested the Commission to express a non-binding preference for inclusion in transit-oriented concurrency management areas, more traditional "multi-modal" transportation concurrency management areas in which roadway levels of service had to be met, or a combination of both. He advised that an indication from this Commission was desired by the end of October.

Commissioner Smith felt the CRA should be exempted. Commissioner Moore wanted to learn what impact this would have on redevelopment areas. Mayor Naugle suggested that the Planning & Zoning Board be requested to review this and provide a recommendation. It was agreed.

Mayor Naugle felt the “horse was already out of the barn,” and it would probably be necessary to consider a small assessment on all properties rather than just trying to get new development to pay the whole way. He thought the County gas tax money was a good source of funding because it got people in the suburbs to contribute also as they contributed to the transportation problem.

Commissioner Smith recognized the Executive Director of the current Transit System, *Paul Carpenter*, who had also been appointed to the Ad Hoc Committee.

Action: Planning & Zoning Board to provide recommendation.

At 4:42 P.M., the meeting was recessed for an executive closed door session regarding litigation strategy in connection with the following cases:

- Arnold P. Abbott and Love Thy Neighbor Fund, Inc. v City of Fort Lauderdale (Case No. 99-003583(05));
- 219 South Atlantic Boulevard, Inc. d/b/a Club Atlantis v City of Fort Lauderdale (Case No. 01-7389-CIV-DIMITROULEAS);
- Skip Ault v City of Fort Lauderdale (Case No. 00-18026(13));
- Robert James v City of Fort Lauderdale (Case No. 98-016071(02));
- Yolanda Cowart v City of Fort Lauderdale (EEOC Case No. 150A12924); and
- Timothy St. Fleur v City of Fort Lauderdale (Case No. 00-7884-CIV-ROETTGER/SELTZE).

The meeting was reconvened at 10:32 P.M.

II-A – Request for Speed Humps on Northeast 15th Avenue (South of Sunrise Boulevard) and Proposed Roundabout on Northeast 6th Street and Northeast 14th Avenue

Commissioner Smith asked that Peter Partington be allowed to move ahead with the survey of residents of 15th Avenue to see if they favored this proposal and to determine if an alternative speed hump contractor identified by the Victoria Park neighborhood as being less expensive than the City’s contractor could be utilized.

Commissioner Katz noted that the same issues were relevant as to Bayview Drive, and other options besides speed humps were being considered. She pointed out that speed humps were very controversial, and they affected everyone on all the affected side streets. Commissioner Katz suggested consideration be given to other measures such as medians if there was sufficient space. She noted there were lots of possible options.

Commissioner Smith thought this issue was going to be presented to the Victoria Park Civic Association again on October 3, 2001, to see if the neighborhood wanted to spend additional money in case using the alternative contractor was not feasible. He suggested that Peter Partington attend that meeting so other alternatives could also be considered.

Action: Survey to move forward. Mr. Partington to attend the October 3, 2001 meeting of the Victoria Park Civic Association to consider alternatives. Public hearing process to move forward if survey results were positive.

III-B – Advisory Board Vacancies

Action: See Regular Minutes, this date.

Meeting adjourned at 10:45 P.M.

NOTE: A MECHANICAL RECORDING HAS BEEN MADE OF THE FOREGOING PROCEEDINGS, OF WHICH THESE MINUTES ARE A PART, AND IS ON FILE IN THE OFFICE OF THE CITY CLERK FOR A PERIOD OF TWO YEARS.